

**Outdoor Dining Temporary Regulations**  
**DRAFT 5/3/2022**

Existing Text    ~~Text to Be Removed~~    **Text to Be Added**    *Optional Text*

**Section V – Site Plan Requirements** (Amended 4/16/19)

A. Applicability

The following criteria specify the level of review for a proposal to develop or expand a non-residential or multi-family dwelling site. When Planning Board review is required, the Planning Board shall have the final decision whether a proposal qualifies for Minor Review or Major Review.

B. No Planning Board Review Required

Proposed activities or uses are exempt from Minor and Major Review by the Planning Board provided that the proposed activities or uses comply with all other applicable federal, state, and Town regulations. Proposed activities or uses that appear to qualify for no review by the Planning Board shall require consultation with the Building Inspector to ensure the proposed activities or uses qualify for no review by the Planning Board. Any proposed temporary outdoor activities or uses which, in the opinion of the Building Inspector, require Planning Board approval in order to safeguard the health, welfare, morals, convenience and safety of North Hampton's citizens shall require Planning Board approval.

1. Temporary outdoor activities or uses that require no permanent alterations to the site. Criteria for temporary outdoor activities or uses shall include:

- a. The proposed activities or uses can function safely within the approved configuration of the site as determined by the Building Inspector.
- b. The temporary outdoor activity or use is an approved permitted use on the site.
- c. A Large Gathering Permit is obtained as required by North Hampton Large Gathering Ordinance. **This criterion does not apply to temporary outdoor dining as described in Section V.B.2.**
- d. Any temporary structures erected in association with proposed outdoor activities or uses comply with Zoning Ordinance 302 – Temporary Structures.
- e. Temporary outdoor activities or uses are limited on non-residential sites to a total of no more than 45 days per calendar year and no more than five (5) events on non-consecutive days per calendar year. **This time limitation does not apply to temporary outdoor dining as described in Section V.B.2.**

**2. Temporary outdoor dining between May 1, 2022 to November 1, 2022, provided that the *North Hampton Outdoor Seating Authorization* form is approved by the Building Inspector, or the Select Board's designated agent. Criteria for temporary outdoor dining shall include all requirements listed in Section V.B.1 above except V.B.1.c & e and include:**

- a. The addition of temporary outdoor dining may increase the seating capacity of the eating and drinking establishment if and only if the increased capacity meets all site plan regulations.**
- b. The temporary outdoor dining location configuration on the site shall allow for adequate on-site parking that complies with the number of parking spaces required by Section XII.**
- c. Amplified music or speaker systems for outside dining areas are prohibited.**

- d. Proposed lighting shall not trespass onto adjacent properties and comply with Zoning Ordinance 305 – Outdoor Lighting**
  - e. Existing hours of operation shall not be exceeded.**
  - f. Existing septic facilities must comply with applicable NH Department of Environmental Services requirements for an eating and drinking establishment with the proposed increase in capacity.**
  - g. Information included with any North Hampton Outdoor Seating Authorization form shall include:
    - 1. Name and contact information of the property owner and business operator (if different than owner).**
    - 2. An approximately-to-scale sketch of the property showing street frontage, building location, parking, proposed outdoor dining area, driveways, traffic flow, loading spaces and walkways.**
    - 3. Number of existing seats and proposed number of seats.**
    - 4. Hours of operation.**
    - 5. A description of proposed lighting change, if applicable.**
    - 6. Proposed use of a tent or other temporary structure. All temporary structures are required to follow requirements of Zoning Ordinance 302-Temporary Structures. A temporary structure to be used for more than two weeks requires a Conditional Use Permit approved by the Planning Board.****
  - h. As of November 2, 2022, this Section V.B.2 shall no longer be in effect. All language associated with Section V.B.2 requirements shall be removed from the Site Plan Review Regulations on this date.**
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- 3. Home Occupations. Home Occupations must receive a Special Exemption from the Zoning Board of Appeals under the North Hampton Zoning Ordinance.
  - 4. Changes in landscaping that do not decrease the amount, area or height of approved plantings for sites with approved site plans and are in compliance with Section X.B and C - Parking Lot Design and Landscaping and Screening.
  - 5. Changes to architectural appearances that do not result in increased building height, building footprint, decreased building setbacks, and are in compliance with Section X.E - Architecture/ Appearance Standards.
  - 6. Conversion of up to 500 square feet from one non-residential use to another legal use and of a non-residential nature in a legally existing buildings that does not change the number of parking spaces required by Section XII – Parking Requirements.
  - 7. Temporary structures placed on a property in compliance with Zoning Ordinance 302 – Temporary Structures.